

Message Text

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SUBJECT: MULTIPLE ENTRY/EXIT VISAS FOR RESIDENT US BUSINESSMEN

REF: STATE 238105

1. EMBASSY HAS CAREFULLY CONSIDERED POINTS RAISED REFTEL AND HAS REVIEWED PREVIOUS EXCHANGES WITH SOVIETS ON MULTIPLE ENTRY/EXIT VISA QUESTION. WHILE WE WOULD WISH AVOID ANY ACTION WHICH COULD HAVE EFFECT OF UNDERCUTTING STANDING US PROPOSAL THAT ALL RESIDENT US CITIZEN EMPLOYEES OF ACCREDITED AMERICAN COMPANY OFFICES RECEIVE MULTIPLE ENTRY/EXIT VISAS (EMBASSY'S NOT NO. 50 OF JAN 15, 1975 - SEE MOSCOW 0585), IT REMAINS CLEAR THAT NEED FOR SOVIET AGREEMENT TO PROVIDE MULTIPLE ENTRY VISAS TO THIRD-COUNTRY NATIONALS ASSIGNED AS HEADS OF ACCREDITED AMERICAN BUSINESS OFFICES IS ACQUIRING INCREASING IMPORTANCE FOR COMPANY OPERATIONS.

2. IN EMBASSY'S VIEW, LONG-TERM ECONOMIC COOPERATION AGREEMENT OF JUNE 1974 PROVIDES BEST AND LEAST EQUIVOCAL BASIS FOR DEMONSTRATING TO SOVIETS THAT:

A. ALL RESIDENT NON-SOVIET REPRESENTATIVES OF
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ACCREDITED US COMPANIES SHOULD BE ACCORDED MULTIPLE

ENTRY/EXIT VISAS IN RETURN FOR RECIPROCAL ACTION BY US TOWARD SOVIET MEMBERS OF AMTORG, KAMA COMMISSION, INTOURIST AND TRADE AND ECONOMIC COUNCIL STAFFS WHO DO NOT CURRENTLY HAVE US MULTIPLE ENTRY VISAS. IN THIS CONNECTION, WORDING "QUALIFIED OFFICIALS AND REPRESENTATIVES" (ARTICLE IV OF ECONOMIC AGREEMENT) CAN JUSTIFIABLY BE INTERPRETED TO MEAN DULY ACCREDITED, I.E. APPOINTED BY PARENT COMPANY AND ADMITTED BY SOVIETS. THIS WOULD PRESUMABLY BE KEY ELEMENT IN OUR PRESENTATION.

B. COMPANY ITSELF IS OBVIOUSLY BEST QUALIFIED TO SELECT ITS OWN REPRESENTATIVES, AND THERE SHOULD BE NO DISCRIMINATION BY SOVIETS AGAINST THIRD-COUNTRY NATIONALS CHOSEN BY ACCREDITED US FIRMS AS THEIR REPRESENTATIVES OR DEPUTY REPRESENTATIVES IN THE USSR.

3. ALTHOUGH OUR APPROACH SHOULD BE BASED ON 1974 AGREEMENT, NOT ONLY BECAUSE OF LANGUAGE AND FORMAT, BUT ALSO IN VIEW OF IDENTITY OF SIGNERS, PETERSON-PATOLICHEV LETTERS OF OCTOBER 18, 1972 INCLUDE SEVERAL IMPLICIT AND EXPLICIT ASSUMPTIONS WHICH MAY BE HELPFUL, NAME., IT IS COMPANY ALONE WHICH DETERMINES WHOM TO SEND AS ITS REPRESENTATIVE, STAFF AUTHORIZATION IS FOR "AMERICAN OR OTHER NON-SOVIET PERSONNEL." WHEREAS CSCE FINAL ACT DOES NOT PROVIDE SAME BASIS FOR REQUESTING MULTIPLE ENTRY/EXIT VISAS FOR BUSINESSMEN THAT IT DOES FOR JOURNALISTS, FINAL ACT PROVISIONS WOULD SEEM GERMANE. BUSINESS CONTACTS AND FACILITIES PROVISIONS OF SECTION ON COMMERCIAL EXCHANGES DOES CALL FOR SIGNATORIES TO TAKE "MEASURES . . . TO IMPROVE CONDITIONS FOR THE EXPANSION OF CONTACT" AND "MEASURES AIMED AT IMPROVING WORKING CONDITIONS OF REPRESENTATIVES OF FOREIGN ORGANIZATIONS." IT CAN REASONABLY BE ARGUED THAT CONVENIENCE AND PSYCHOLOGICAL BENEFITS OF MULTIPLE ENTRY/EXIT VISAS ARE COVERED IN THIS PHRASEOLOGY. AND AS NOTED PARA 4 REFTTEL, FINAL ACT PROVISIONS DEALING WITH PERSONAL AND PROFESSIONAL TRAVEL COULD ALSO BE CITED IN SUPPORT OF THIS POSITION. EMBASSY IS NOT, HOWEVER, FAMILIAR WITH NEGOTIATING HISTORY OF THESE SECTIONS OF THE FINAL ACT, AND DOES NOT KNOW WHETHER ANY SPECIFIC PROVISION FOR LIMITED OFFICIAL USE

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MULTIPLE ENTRY/EXIT VISAS FOR BUSINESSMEN MAY HAVE BEEN PRESENTED TO AND REJECTED BY SOVIETS IN GENEVA. IF THIS WERE THE CASE, REFERENCES TO CSCE MIGHT BEST BE AVOIDED.

4. RE AMBIGUITY MENTIONED PARA 2 REFTTEL, EMBASSY BELIEVES OUR POSITION IS CLEAR. WE ORIGINALLY PROPOSED THAT SOVIETS ISSUE MULTIPLE ENTRY/EXIT VISAS TO "ACCREDITED RESIDENT AMERICAN BUSINESSMEN AND THEIR

DEPENDENTS," AND OFFERED IN RETURN TO ISSUE MULTIPLE ENTRY VISAS TO STAFF MEMBERS OF AMTORG AND KAMA COMMISSION AND THEIR DEPENDENTS (EMBASSY NOTE NO 96 OF FEBRUARY 1, 1973). SOVIET REPLY PROPOSED ISSUANCE OF MULTIPLE ENTRY/EXIT VISAS TO CHIEFS (RUKOVODITELI) OF ACCREDITED FIRMS AND EQUIVALENT SOVIET ORGANIZATIONS IN US (NOTE KU-333 OF MARCH 16, 1973). OUR RESPONSE ACCEPTED THIS SOVIET COUNTERPROPOSAL BUT INDICATED THAT WE CONTINUED TO BELIEVE OUR ORIGINAL PROPOSAL PREFERABLE IN INTERESTS OF BOTH PARTIES (EMBASSY NOTE NO 242 OF MARCH 26, 1973). COPIES OF THIS EXCHANGE ARE BEING POUCHED TO DEPARTMENT, EUR/SOV. WHILE OUR DIPLOMATIC NOTES ON MULTIPLE ENTRY/EXIT VISAS HAVE EXPLICITLY REFERRED TO US OR AMERICAN BUSINESSMEN, WE HAVE CONSISTENTLY PRESSED FOR BROADEST POSSIBLE ISSUANCE OF MULTIPLE ENTRY/EXIT VISAS ON RECIPROCAL BASIS.

5. WITH REFERENCE TO POTENTIAL PROBLEM DESCRIBED PARA 3 REFTEL, WE HAVE NO REASON TO BELIEVE THAT SOVIETS ARE SUFFICIENTLY ATTUNED TO FINER POINTS OF US VISA REGULATIONS TO SPOT THE INCONSISTENCY BETWEEN THE WAY WE ARE ASKING THEM TO TREAT THIRD COUNTRY NATIONALS EMPLOYED BY US COMPANIES AND THE WAY WE TREAT THIRD COUNTRY NATIONALS. WHILE POSSIBILITY THAT SOVIETS MIGHT SEND NON-SOVIET TO US AS MEMBER OF RESIDENT STAFF OF AMTORG, KAMA COMMISSION, INTOURIST OR TRADE COUNCIL STRIKES US AS EXTREMELY REMOTE, IF SOVIETS DID MAKE ANY ISSUE OF BARRIERS OUR LAW PRESENTS TO ISSUANCE OF VISAS TO THIRD COUNTRY NATIONALS, SOMETHING ALONG FOLLOWING LINES SHOULD RESOLVE PROBLEM WHILE PRESERVING IMAGE OF STRICT RECIPROCITY: "EMPLOYEES OF ACCREDITED BUSINESS FIRMS WHO ARE NATIONALS OF THIRD COUNTRIES WILL RECEIVE VISAS VALID FOR MULTIPLE ENTRY AND EXIT UNLESS THE LAWS OF THE LIMITED OFFICIAL USE

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US OR USSR PROHIBIT ISSUANCE OF MULTIPLE ENTRY/EXIT VISAS TO CITIZENS OF THE NATIONALITY IN QUESTION."
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